

REMARKS

Claims 1-12 and 14-18 are pending.

Claim 1 is amended.

Amended Claim 1

Claim 1 is amended to require polymerization in the presence of a thermal and/or redox initiator.

Support for this amendment may be found on page 14, lines 14-18 of the disclosure.

35 USC 102(b)/ 103(a)

Claims 1-11, 14-16 and 18 are rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Yamada, US 5,334,519, when taken in view of Seki, US 5,352,828.

Claims 1-12 and 14-18 are rejected under 35 USC 103(a) as obvious over Yamada, US 5,334,519 in view of Seki, US 5,352,828 and Leonova, Biotechnology, 1000, 88:231-241.

Applicants have amended claim 1 to require polymerising the ethylenically unsaturated monomer or a monomer mixture comprising the ethylenically unsaturated monomer and cellular material and/or components of a fermentation broth in the presence of a redox and/or thermal initiator.

Examiner states "One would have been motivated to modify the teachings of Yamada in the course of experimentation to develop improved enzyme activity, as discussed by Yamada." Yamada teaches the reverse.

The examiner's whole argument appears to revolve around the idea that because Yamada carries out experiments which involve changing various differing parameters and Seki verifies the ease of acrylamide polymerization, at least one of Yamada's experiments would arrive at polymerization conditions. The applicants believe this to be complete speculation and certainly an improper anticipation rejection.

However, in order to move the application forward, applicants have amended claim 1 as described above, that is to require polymerization in the presence of an initiator.

Yamada makes no suggestion to add initiators to his fermentation broth at all. Seki is directed to a process of stabilization of an aqueous acrylamide solution or prevention of polymerization of aqueous acrylamide solutions. The addition of an initiator to the aqueous acrylamide solutions of Seki would defeat the invention on which the Seki reference is based. Thus the combination of Yamada and Seki are insufficient to support anticipation or a case prima facie obviousness.

Reconsideration and withdrawal of the rejection of claims 1-12 and 14-18 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-12 and 14-18 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-7127
SAL\22349RCE.doc

Enclosure: Petition for one month extension of time and Request for Continued Examination.